

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEATRIZ VEERMAN AND KHADIJETOU	: 1:08-CV-05042-LAB
("KADIA") BA,	:
	: DECLARATION OF JONATHAN S.
Plaintiffs,	: ABADY IN SUPPORT OF
	: PLAINTIFFS' APPLICATION FOR FEES
- against -	:
	:
DEEP BLUE GROUP LLC, OPIA,	:
FREDERICK LESORT, AND ANTOINE	:
BLECH (a/k/a Antoine Bleck),	:
	: x
Defendants.	

JONATHAN S. ABADY, ESQ., pursuant to 28 U.S.C. § 1746, hereby declares under the penalties of perjury as follows:

1. I am an attorney at law. I make this declaration in support of Plaintiffs' application for attorneys' fees in the above-captioned matter. I understand that Plaintiffs were represented in this matter by Goldberg & Fliegel LLP ("G&F").
2. In order to assist the Court in evaluating my declaration, I will describe briefly my professional background. I am a named partner in Emery Celli Brinckerhoff & Abady LLP ("ECBA"). ECBA has been judicially noticed as "one of the most competent, successful, and reputable civil rights firms practicing" in the Southern District. Wise v. Kelly, 620 F.Supp.2d 435, 445 (S.D.N.Y. 2008); see also Brown v. Kelly, 244 F.R.D. 222, 233 (S.D.N.Y. 2007). In 1990, I received my J.D. from New York University School of Law, where I was a Root-Tilden-Snow Scholar. I have represented numerous individuals in employment disputes, and was named in The Best Lawyers in America as one of New York's top attorneys in the area of civil rights law. My complete profile is set forth at <http://www.ecbalaw.com/attorneys/abady.html>.
3. ECBA periodically reviews prevailing market rates in the prevailing community of firms roughly comparable in size and having attorneys of similar skill, experience and reputation. Judge Sifton of the Eastern District of New York recently reviewed the market rates

in the prevailing community of firms in the Southern District of New York and found “that the rates ECBA charges its paying clients generally comport with the rates charged in the Southern District by lawyers with comparable experience for similar services.” Vilkhu v. City of N.Y., No. 06 Civ. 2095 (CPS), 2009 WL 1851019, at *9 (E.D.N.Y. June 26, 2009), vacated and remanded on other grounds, 2009 WL 1571616, 09-1178-cv (2d Cir. April 21, 2010). Judge Sifton determined that my reasonable hourly rate was \$525. 2009 WL 1851019, at *15.

4. I understand that Plaintiffs are seeking attorneys’ fees in this matter at a base hourly rate of at least \$400 for time spent by Kenneth A. Goldberg, Esq. and at a base hourly rate of at least \$300 for time spent by Jonathan O. Margolis, Esq., and that Plaintiffs are also seeking an upward adjustment to those base rates due to case-specific factors. The base hourly rates of at least \$400 for Mr. Goldberg and at least \$300 for Mr. Margolis are eminently reasonable.

5. These rates are eminently reasonable given the prevailing market rates for attorneys practicing in federal courts in the Southern District of New York with comparable skills and experience for similar services. These rates are also particularly reasonable in this matter given Messrs. Goldberg’s and Margolis’s experience, skill and reputation. Indeed, these base rates for Mr. Goldberg and Mr. Margolis in this matter are actually lower than the prevailing rates at New York City law firms for lawyers of comparable skill, experience and reputation.

6. I understand that Plaintiffs are seeking attorneys’ fees in this matter for approximately 600 hours of time spent on this matter by Mr. Goldberg and Mr. Margolis. That amount of time is eminently reasonable given my understanding of the nature of the claims in this matter, the fact that G&F was representing two individual plaintiffs with claims against multiple defendants, and the fact that G&F represented the Plaintiffs at all stages of this litigation, to and including trial and in post-trial proceedings.

7. I swear under penalty of perjury that the foregoing is true and correct.

Dated: July 20, 2010
New York, New York


JONATHAN S. ABADY